

NEW HAMPSHIRE DEPARTMENT OF HEALTH AND HUMAN SERVICES CIVIL RIGHTS POLICY AND COMPLAINT PROCEDURE

The State of New Hampshire, Department of Health and Human Services does not discriminate because of race, creed, color, sex, age, political affiliation or belief, religion, national origin, or handicap. There will be no unlawful discrimination in accepting or providing services or employment in any of the Department's programs or activities, and the Department will back this policy with appropriate sanctions, including dismissal if necessary.

Sexual harassment is a form of unlawful sex discrimination, and it is against Department policy for any employee to sexually harass another employee or beneficiary of services by:

1. Making unwelcome sexual advances or requests for sexual favors or other verbal or physical conduct of a sexual nature, a condition of an employee's continued employment; or a condition of an applicant's/beneficiary's receipt of services, or
2. Making submission to or rejections of such conduct the basis for employment decisions affecting the employee; or decisions affecting a person's eligibility for services.
3. Creating an intimidating, hostile, or offensive working environment.

The New Hampshire Department of Health and Human Services (NHDHHS) has adopted an internal complaint procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Health and Human Services regulations (45 C.F.R. Parts 80, 84, and 91) implementing Title VII of the Civil Rights Act of 1964 (42 U.S.C. S2000d et. seq.), Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. S794), Title IX of the Education Amendments of 1972 (20 U.S.C. S1681), and the Age Discrimination Act of 1975 (42 U.S.C. S6101 et. seq.) or prohibited by the non-discrimination provisions of the applicable Federal block grant statutes (42 U.S.C. SS300w-7, 300x-7 and 708).

For more information or to learn how to make a discrimination complaint, contact the Assistant Commissioner who has been designated to coordinate the efforts of NHDHHS's component offices' and divisions' civil rights compliance officers to ensure civil rights compliance:

NH DHHS Commissioners Office
Civil Rights Office
129 Pleasant Street
Concord, NH 03301-3857
Tel: 603-271-4603
TDD Access: Relay NH 1-800-735-2964

1. In order to avail him/herself of the complaint procedure under this policy, any person who believes s/he has been the victim of unlawful discrimination must report the alleged act(s) to the Department of Health and Human Services' Civil Rights Compliance Officer, or designee as soon as possible but within 60 days of the incident.

2. A complaint should be in writing, contain the name, work site, phone number and extension of the person filing it, and briefly describe the alleged action prohibited by statute or regulations in question.
3. The Civil Rights Compliance Officer or designee will conduct such investigation of a complaint as may be appropriate to determine its validity. This policy contemplates informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
4. A written decision determining the validity of the complaint will be issued no later than 20 days after its filing. Upon the substantiation of a complaint against an employee, disciplinary action may be taken in accordance with the Rules of the Division of Personnel.
5. Retaliation of any kind against anyone who is involved in an allegation brought to the attention of the Department under this policy is strictly prohibited and may result in disciplinary action in accordance with the Rules of the Division of Personnel.
6. Supervisors who receive reports of unlawful discrimination are mandated to facilitate informal, prompt and equitable resolutions of such complaints, in lieu of the formal complaint procedure.
7. Victims and others who witness acts of unlawful discrimination are strongly encouraged to promptly report such incidents to the appropriate level of supervision or to utilize the Civil Rights Complaint Procedure if informal resolutions of such complaint are not forthcoming from the supervisor to whom the incident was reported.
8. The Department of Health and Human Services will provide education and information to all departmental employees about unlawful discrimination in the workplace, its cost and consequences, and the Department's policy and complaint procedure.

8/93